

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: **Weiner and Muthumani**Serial No.: **10/535,326**Group Art Unit: **To Be Determined**Filing Date: **February 2, 2006**Examiner: **To Be Determined**For: **GENETIC CONSTRUCTS AND COMPOSITIONS COMPRISING RRE AND CTE AND USES THEREOF**EXPRESS MAIL LABEL NO: **EV147553804US**DATE OF DEPOSIT: **2/24/06****MAIL STOP PCT**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 C.F.R. §§ 1.56 and in accordance with 37 C.F.R. §§ 1.97 and 1.98, information relating to the above-identified application is hereby disclosed, the Examiner in charge of the above-identified application is requested to consider and make of record the references listed on the PTO Forms SB/08A and SB/08B, formerly known as PTO Form 1449 submitted herewith.

Inclusion of the information submitted herewith is not to be construed as an admission that the information is material as that term is defined in 37 C.F.R. § 1.56(b).

In accordance with 37 C.F.R. § 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.

This Information Disclosure Statement is being filed:

- ☐ within three months of the filing date of the patent application.
- ☐ within three months of the date of entry into the national stage as set forth in 37 C.F.R. § 1.491 of the international application.
- ☒ **before** the mailing date of a first Office Action on the merits.
- ☐ **after** the mailing date of a first Office Action on the merits, but before the mailing date of a Final Office Action under 37 C.F.R. § 1.116 or a Notice of Allowance under 37 C.F.R. § 1.311, and accordingly is accompanied by:

☐ the Statement under 37 C.F.R. § 1.97(e) (see "Statement" below);

or

☐ the Fee of \$180.00 set forth in 37 C.F.R. § 1.17(p); or

☐ No fee is owed by the applicant(s).

☐ In accordance with 37 C.F.R. § 1.129(a), this Information Disclosure Statement is being filed in connection with ☐ the first or ☐ second After Final Submission, and accordingly is accompanied by the Statement under 37 C.F.R. § 1.97(e) (see "Statement" below) and the fee of \$180.00 as set forth in 37 C.F.R. § 1.17(p), is attached.

☐ after the mailing date of a Final Office Action under 37 C.F.R. § 1.116 or a Notice of Allowance under 37 C.F.R. § 1.311, but before the payment of the Issue Fee, and accordingly is accompanied by the Statement under 37 C.F.R. § 1.97(e), (see "Statement," and "Fees" below).

☒ Copies of the references (excluding the U.S. Patent Documents) listed on the attached PTO Forms SB/08a and SB/08b, formerly known as PTO Form 1449, are enclosed.

EXCEPT THAT:

☐ In view of the voluminous nature of reference @@, and the likelihood that this reference is available to the Examiner, copies are not enclosed herewith.

☐ In accordance with 37 C.F.R. § 1.98(d), copies of the following references listed on the attached PTO Form SB/08A and PTO Form SB/08B, formerly known as PTO Form 1449 are not enclosed herewith because they were previously cited by or submitted to the U.S. Patent and Trademark Office in patent application(s) for which a claim for priority under 35 U.S.C. § 120 have been made in the instant application.

☐ If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

Statement under 37 C.F.R. § 1.97(e)

- ☐ The undersigned attorney hereby states that each item information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application not more than three months prior to the filing of the Information Disclosure Statement.

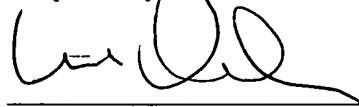
Fees

- ☒ No Fee is owed by the applicant(s).
- ☐ The Information Disclosure Statement Fee of \$180.00 under 37 C.F.R. § 1.17(p) is enclosed herewith.

Method of Payment of Fees

- ☐ Attached is a check in the amount of \$_____. This form is submitted in duplicate.
- ☐ Charge Deposit Account No. 50-1275 in the amount of \$180.00. This form is submitted in duplicate.
- ☒ Please charge any deficiency or credit any overpayment to Deposit Account 50-1275.
- ☐ No fee or Statement is required under 37 C.F.R. § 1.97(b).

Respectfully submitted,



Mark DeLuca
Registration No. 33,229

Dated: 2/24/04
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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1 of 2

Complete if Known

Application Number	10/535,326
Filing Date	February 2, 2006
First Named Inventor	David B. Weiner
Art Unit	To Be Determined
Examiner Name	To Be Determined
Attorney Docket Number	UPAP0001-100 (P3042)

U.S. PATENT DOCUMENTS

Examiner Initials *	Cite No. ¹	Document Number	Publication/Issue Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
	AA	US-5,554,528	09-10-1996	Harrison et al.	
	AB	US-5,604,114	02-18-1997	Haseltine et al.	
	AC	US-5,650,309	07-22-1997	Wong-Staal et al.	
	AD	US-5,665,577	09-09-1997	Sodroski et al.	
	AE	US-5,585,263	12-17-1996	Hammarskjold et al.	
	AF	US-5,880,276	03-09-1999	Hammarskjold et al.	
	AG	US-5,593,972	01-14-1997	Weiner et al.	
	AH	US-5,739,118	04-14-1998	Carrano et al.	
	AI	US-5,981,505	11-09-1999	Weiner et al.	
	AJ	US-6,057,095	05-02-2000	Arrigo	
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FOREIGN PATENT DOCUMENTS

Examiner Initials *	Cite No. ¹	Foreign Patent Document	Publication Date/Filing Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				
	AK	WO 94/016737	08-04-1994	Weiner et al.		

Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 2 of 2

Complete if Known

Application Number	10/535,326
Filing Date	February 2, 2006
First Named Inventor	David B. Weiner
Art Unit	To Be Determined
Examiner Name	To Be Determined
Attorney Docket Number	UPAP0001-100 (P3042)

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	AL	Ernst et al. "Secondary structure and mutational analysis of the Mason-Pfizer monkey virus RNA constitutive transport element," <i>RNA</i> (1997) 3(2):210-222.	
	AM	Saavedra et al., "The simian retrovirus-1 constitutive transport element, unlike the HIV-1 RRE, uses factors required for cellular mRNA export," <i>Curr Biol</i> (1997) 7(9):619-628.	
	AN	Bray et al., "A small element from the Mason-Pfizer monkey virus genome makes human immunodeficiency virus type 1 expression and replication Rev-independent," <i>Proc Natl Acad Sci USA</i> (1994) 91(4):1256-1260.	
	AO	Kang et al., "Analysis of cellular factors that mediate nuclear export of RNAs bearing the Mason-Pfizer monkey virus constitutive transport element," <i>J Virol</i> (2000) 74(13):5863-5871.	
	AP	Srinivasakumar et al., "Novel Tat-encoding bicistronic human immunodeficiency virus type 1-based gene transfer vectors for high-level transgene expression," <i>J of Virology</i> (2000) 74(14):6659-6668.	
	AQ	Srinivasakumar et al., "A lentivirus packaging system based on alternative RNA transport mechanisms to express helper and gene transfer vector RNAs and its use to study the requirement of accessory proteins for particle formation and gene delivery," <i>J of Virology</i> (1999) 73(11):9589-9598.	
	AR	Wodrich et al., "A new RNA element located in the coding region of a murine endogenous retrovirus can functionally replace the Rev/Rev-responsive element system in human immunodeficiency virus type 1 Gag expression," <i>J of Virology</i> (2001) 75(22):10670-10682.	
	AS	Wodrich et al., "Multiple copies of the Mason-Pfizer monkey virus constitutive RNA transport element lead to enhanced HIV-1 Gag expression in a context-dependent manner," <i>Nucleic Acids Research</i> (2000) 28(4):901-910.	
	AT	Rizvi et al., "Role of Mason-Pfizer monkey virus (MPMV) constitutive transport element (CTE) in the propagation of MPMV vectors by genetic complementation using homologous/heterologous env genes," <i>Virology</i> (1996) 224(2):517-532.	

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

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